

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT IN NEW YORK

Vicky Ware Bey, In Proper Persona Sui Juris

JOHN DOE 1 – 1000, JANE DOE 1 - 1000

Plaintiff / Petitioner / Claimant / Crime Victim
Aggrieved and Injured Party

VS

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 6/30/2022

NOTICE OF MOTION
MOTION FOR DISCOVERY
AND PERMISSION FOR
ELECTRONIC CASE FILING

CASE # 1:22-CV-02593

**Mayor Eric Adams for the
CITY OF NEW YORK**

**Louis Molina, Commissioner
NEW YORK CITY DEPARTMENT OF CORRECTIONS**

NEW YORK CITY DEPARTMENT OF CORRECTIONS

**Melanie Whinnery, Executive Director
NEW YORK CITY EMPLOYEE RETIREMENT SYSTEM**

NEW YORK CITY EMPLOYEE RETIREMENT SYSTEM

JOHN DOE 1-10,000, JANE DOE 1-10,000

DEFENDANT(S)

PLEASE TAKE NOTICE that upon the annexed Affidavit in Support of this Motion from the Plaintiff / Petitioner / Claimant / Crime Victim / Aggrieved and Injured Party, Vicky Ware Bey, In Proper Persona, Sui Juris motion for discovery moving this court, United States District Court for the Southern District in New York located at 500 Pearl Street, New York, New York 10007 before the Honorable Paul A. Engelmeyer on July 13, 2022 at 9:30 AM or soon thereafter to issue a Subpoena Duces Tecum to all the named Defendants in this action in addition to issuing an order instructing the Defendants to comply with this pre-trial demand for discovery within 30 days from the filing of this motion (July 29, 2022) which includes Answers and admissions, Answers with explanations and the Production of Documents. The Defendants must produce copies of the

following documents or making it available for inspection: Copies of the Plaintiff / Petitioner's / Claimant's / Aggrieved and Injured Party's (1) entire personnel file and (2) entire medical records from the New York City Department Of Corrections, New York City Department Of Corrections Health Management Division, And New York City Employees Retirement Systems. Copies of transfer requests submitted to New York City Department Of Corrections Headquarters; Copies of the employers manual for the City Of New York; New York City Department Of Corrections and the employees manual for New York City Employees Retirement System, N.Y.C.E.R.S. that was already in place during the years of 2013 – 2018; Copies of the Corrections Officers Benevolent Associations most resent Collective and Bargaining Agreement with the City of New York / New York City Department of Corrections. (The Plaintiff / Petitioner / Claimant / Aggrieved and Injured Party has made good faith efforts to obtain these records prior to the commencement of this action). The Plaintiff / Petitioner / Claimant / Crime Victim / Aggrieved and Injured Party request efile her documents on this courts Electronic Case Filing.

In support of this motion, the Plaintiff / Petitioner / Claimant / Crime Victim / Aggrieved and Injured Party submits the following documents: an Affidavit in Support of this Motion with the Demand for Discovery, and an Affirmation of Service upon the Defendants.

Dated: June 29, 2022

Motion denied without prejudice as premature. Defendants have filed a motion to dismiss. By separate order, discovery will be stayed pending determination of the motion to dismiss. Post-discovery dispositive motion practice as sought by Plaintiff is premature. If the Court converts Defendants' motion to dismiss to a motion for summary judgment, the Court will provide notice and opportunity for Defendant to submit factual information outside the pleadings.

SO ORDERED:

/s/ Vicky Ware Bey

Vicky Ware Bey, In Proper Persona
Authorized Representative for
Vicky Ware, Ex Relatione
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c/o 80 Patton Avenue
Wyandanch Territory, New York Republic [11798]

6/30/2022


HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE